

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
NATIONAL UNION FIRE INSURANCE COMPANY :
OF PITTSBURGH, PA, as subrogee and assignee of :
THE ROCKEFELLER FOUNDATION, :
:

Plaintiff, :

- against - :

CHERYL McEWAN, ANTHONY McEWAN, :
FRANK MELLI, PAUL SHUSTERMAN, LISA BAKER :
and LACHO TERRAZAS, :

Defendants. :
:
-----X

Index No.: 07 CIV 7515

**RULE 26
DISCLOSURE**

Plaintiff National Union Fire Insurance Company of Pittsburgh, PA, as subrogee and assignee of The Rockefeller Foundation ("National Union"), by its attorneys McElroy, Deutsch, Mulvaney & Carpenter, LLP, provides the following Initial Disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1), without waiver of, and subject to all objections as to attorney-client privilege, work produce and relevance:

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

Pamela Foster
Managing Director's Office and Assistant General Counsel
The Rockefeller Foundation
420 Fifth Avenue
New York, NY 10018-2702
(212) 869-8500

Ms. Foster is expected to provide information concerning liability and damages.

Shari L. Patrick
Interim General Counsel
The Rockefeller Foundation
420 Fifth Avenue
New York, NY 10018-2702
(212) 869-8500

Ms. Patrick is expected to provide information concerning liability and damages.

Edmund F. DeLorenzo, CPA
332 Anderson Street
Hackensack, NJ 07601
(201) 488-0060

Mr. DeLorenzo is a certified public accountant and is expected to provide information concerning damages.

In addition, all employees of The Rockefeller Foundation referenced in the attached documentation, as well as individuals disclosed by other named parties herein, may be called upon to provide information concerning liability and/or damages.

B. A copy of, or a description by category and location of, documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

Annexed hereto as Exhibit "A" please find copies of checks and Matching Gift Applications submitted to The Rockefeller Foundation concerning donations made to Green Sphere, Inc. in connection with the alleged fraudulent scheme.

Annexed hereto as Exhibit "B" please find copies of checks and Matching Gift Applications submitted to The Rockefeller Foundation concerning donations made to An Urban Alternative of New York, Inc. in connection with the alleged fraudulent scheme.

Annexed hereto as Exhibit "C" please find copies of defendant Cheryl McEwan's W-2 statements in connection with her employment with The Rockefeller Foundation.

Annexed hereto as Exhibit "D" please find copies of pleadings associated with the case brought by The People of the State of New York against Cheryl McEwan, Anthony McEwan and Frank Melli.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

National Union sustained \$421,000, plus interest, in damages as a result of the defendants' fraudulent scheme. See documents annexed hereto in support of alleged damages. National Union reserves its right to supplement its response as discovery proceeds.

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment..



National Union is not in possession of information responsive to this demand.

Plaintiff National Union reserves its right to supplement this disclosure upon receipt of additional information.

Dated: January 3, 2008
New York, NY

Respectfully,
McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

By

 
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